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In re Application of

LU *et al*

U.S. Application No.: 10/597,004

PCT No.: PCT/IB2005/050047

Int. Filing Date: 05 January 2005

Priority Date: 13 January 2004

Attorney Docket No.: US040034US2

For: X-RAY TUBE COOLING COLLAR

DECISION

This application is before the PCT Legal Staff for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 06 July 2008, applicants filed via the USPTO EFS-Web system an application for entry into the national stage in the United States under 35 U.S.C. 371 of PCT/IB2005/050047 which was accompanied by, *inter alia*, the basic national fee and an executed declaration.

On 01 August 2008, the Office mailed a Notice of Incomplete Nonprovisional Application indicating that the application was filed under 37 CFR 1.53(b) and a filing date has not been accorded the subject application as the specification was missing.

DISCUSSION

A review of the papers filed 06 July 2008 show that applicants clearly submitted papers to enter the national stage of PCT/IB2005/050047. The Electronic Acknowledgement of the application from the USPTO indicates that the application type is a "U.S. National Stage Under 35 USC 371."

Nonetheless, the Office processed the above-captioned application as a filing under 35 U.S.C. 111(a) and mailed the Notice of Incomplete Nonprovisional Application. This was clearly a mistake.

DECISION

The subject application will be processed as the national stage of

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PCT/IB2005/050047 under 35 U.S.C. 371. As such, a copy of the international application was transmitted to the USPTO by the International Bureau.

For this reason, the Notice of Incomplete Nonprovisional Application mailed 01 August 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" and last name "Thomson" clearly distinguishable.

James Thomson
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